

**This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.**

**IT IS SO ORDERED.**

**Dated: November 02, 2009**



  
Burton Perlman  
United States Bankruptcy Judge

200933258  
(JJR)

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
AT CINCINNATI

IN RE:

Paul B. Long  
Ebony M. Long

Debtors

Case No. 09-13469

Chapter 13  
Judge Perlman

AGREED ORDER ON MOTION FOR RELIEF  
FROM STAY OF .S. BANK, N.A. BY AND  
THROUGH U.S. BANK HOME MORTGAGE ITS  
SERVICER, FILED HEREIN ON SEPTEMBER  
10, 2009 (DOC. #44) (PROPERTY  
ADDRESS: 2551 HOMESTEAD PLACE  
CINCINNATI, OH 45211)

This matter having come on before the Court upon the Motion For Relief From Stay filed herein on September 10, 2009 as Pacer Document #44 by the secured creditor, U.S. Bank, N.A. by and through U.S. Bank Home Mortgage its servicer (hereinafter "Movant") and upon debtors response thereto filed herein on September 14, 2009 as Pacer Document #48; and a hearing having been scheduled for October 7,

2009; and it appearing to the Court that the parties have agreed to a course of action which will permit the continuation of the automatic stay conditioned upon certain provisions incorporated herein for the protection of Movant; and the Court, being otherwise fully advised in the premises, hereby makes the following findings of fact and issues the following Order with respect thereto:

1. The Chapter 13 Plan filed herein on behalf of the debtors provided that said debtors were to make their regular monthly mortgage payments to Movant outside of the Plan in a regular monthly fashion.

2. In breach of the terms of said Plan, the debtors failed to make certain of the regular monthly mortgage payments to Movant; said payments currently in default for the months of July, 2009, and subsequent months, incurring a total post-petition arrearage of \$5,294.81 as of October, 2009, which amount consists of 3 post-petition payments (7/1/09 through 9/1/09) at \$1,117.23 each, and also consists of 1 payment (10/1/09) at \$1,139.24, together with 3 late charges (7/1/09 through 9/1/09) at \$32.96 each, post-petition property inspection fees in the amount of \$55.00, together with \$650.00 for attorney fees and court costs incurred herein.

3. In order to partially eliminate said post-petition delinquency, Movant shall be and hereby is permitted to file a Supplemental Proof of Claim in the amount of \$3,294.81, which shall be paid inside the Plan as a fully secured claim.

4. The Debtor has filed a Modification of the Plan on October 17, 2009 as Pacer Document #50 in order to keep the Plan in compliance with 11 U.S.C. Section 1322(d).

5. Movant has filed a Supplemental Proof of Claim in the amount of \$3,294.81 on October 21, 2009 as Claims Register #9.

6. In order to eliminate the remaining said post-petition delinquency, the

debtors agree to pay to Movant and Movant hereby agrees to accept the following lump sum payment, as follows:

- a. \$2,000.00 due on or before entry of this Agreed Order; receipt of which is acknowledged by Movant as Iolita account check no. 535 dated October 7, 2009.

Said payment is in addition to the regular monthly mortgage payments due and owing for said months. All payments shall be tendered to:

**U.S. Bank Home Mortgage  
4801 Frederica Street  
Owensboro, KY 42301**

This payment address is subject to change.

7. The debtors further agree to resume their regular monthly mortgage payments outside the Plan directly to Movant in November, 2009, and to make all further monthly payments in a timely fashion.

8. In the event that the said debtors should fail to make the lump sum payment hereinabove described on or before their specified due dates, or should fail to pay any future monthly payment within 15 days of its due date, then, or in any one of those events, Movant shall send a letter or e-mail to debtors, debtors counsel advising of said default. If the default is not cured within ten (10) days, Movant shall file with the Court an Affidavit certifying that the debtors are in default under the terms of the Agreed Order and tender a proposed Order Granting Final Modification of the Automatic Stay. Upon submission of such Affidavit and Order Granting Final Modification of the Automatic Stay, the Court shall enter the Order, without a hearing, providing Movant, its successors and/or assigns is granted relief from the automatic stay imposed by Section 362 of the Bankruptcy Code with regard to the interest in real property held by Movant, its successors and assigns. The only ground for objection to such an Order shall be that payments

were timely made.

IT IS SO ORDERED.

/s/ Mia L. Conner

Mia L. Conner, Case Attorney  
LERNER, SAMPSON & ROTHFUSS  
Ohio Supreme Court No. 0078162  
Attorneys for Movant  
P.O. Box 5480  
Cincinnati, Ohio 45201-5480  
(513) 241-3100 ext. 3445  
(513) 354-6464 Fax

/s/ Daniel P. Might, Attorney for Debtors, VIA FAX AUTHORIZATION

Ohio Supreme Court No. 0067409  
Paul and Ebony Long, Debtors  
3907 North Bend Rd  
Cincinnati, OH 45211  
DanMight7@AOL.com  
513-389-3700

/s/ Margaret A. Burks, Esq.

Chapter 13 Trustee  
Attorney Reg. No. OH 0030377  
Francis J. DiCesare, Esq.  
Staff Attorney  
Attorney Reg. No. OH 0038798  
Karolina F. Perr, Esq.  
Staff Attorney  
Attorney Reg No. OH 0066193  
600 Vine Street, Suite 2200  
Cincinnati, Ohio 45202  
513-621-4488  
513 621-2643 Fax

COPIES TO:

Paul B. Long  
2551 Homestead Place  
Cincinnati, OH 45211

Ebony M. Long  
2551 Homestead Place  
Cincinnati, OH 45211

Daniel P. Might, Esq.  
3907 North Bend Rd  
Cincinnati, OH 45211

Margaret A. Burks, Trustee  
600 Vine Street, Suite 2200  
Cincinnati, Ohio 45202

Office of the U.S. Trustee  
36 East Seventh Street, Suite 2030  
Cincinnati, OH 45202

Mia L. Conner, Esq.  
LERNER, SAMPSON & ROTHFUSS  
P.O. Box 5480  
Cincinnati, Ohio 45201-5480

###